IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 10542 OF 2004

A. D. BANGERA ... PETITIONER

Versus

HARSUKHBHAI DHANJIBHAI MEHTA .. RESPONDENT

Mr. R. D. Misra for petitioner

Mr. P. S. Dani with Ms. Tandon i/b D.S.K. Legal for R

CORAM:-SMT. RANJANA DESAI, J.

DATED:-28-2-2005

P.C.

Heard learned counsel for the parties.

2. This is a tenant's petition. The trial court passed a decree on the ground of non-payment of arrears of rent. The lower appellate court has confirmed the said decree. This concurrent finding of fact is unassailable and cannot be disturbed in writ jurisdiction, hence the petition is rejected.

3. At this stage the learned counsel for the petitioner states that sometime

may be granted to the petitioner to vacate the suit premises. He has asked for two years' time. Mr. Dani learned counsel for the respondent has opposed grant of time. In the circumstances of the case the petitioner is granted ten months' time to vacate the suit premises on the petitioner and every adult member of his family filing usual undertaking in this court within three weeks from today.

4. If the undertaking is not filed as directed, the decree shall be executed.

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